

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:) In Proceedings
) Under Chapter 13
Ivan L. Washington)
Debtor(s).) Case No.18-25649
) Honorable Judge Pamela S. Hollis

NOTICE OF MOTION

To: David M Siegel, David M. Siegel & Associates , 790 Chaddick Drive , Wheeling, IL 60090,
davidsiegelbk@gmail.com via electronic notification;

Glenn B Stearns, 801 Warrenville Road Suite 650 , Lisle, IL 60532, via electronic notification;

Patrick S Layng, 219 S Dearborn St , Room 873, Chicago, IL 60604, via electronic notification;

Ivan L. Washington Debtor, 4216 Whitetail Ct , Joliet, IL 60431 via US Mail.

Please take notice that on September 20, 2019 at 10:45 A.M., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Pamela S. Hollis, Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, IL 60432, or before any other Bankruptcy Judge who may be presiding in said Judge's place, and shall present to the Court the attached motion at which time you may appear if you so choose.

/s/ Jennifer Rinn

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Electronic Court Notification or by depositing the same postage prepaid, in the U.S. Mail on August 27, 2019.

Respectfully submitted,
Rinn Richman Law

/s/ Jennifer Rinn

Jennifer Rinn

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|--------------------|---|----------------------------------|
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MOTION FOR RELIEF FROM STAY

NOW COMES Capital One Auto Finance, a division of Capital One, N.A., by and through its undersigned attorney, and as for its Motion for Relief from Stay, states as follows:

1. Capital One Auto Finance, a division of Capital One, N.A. is a creditor of the Debtor and is seeking relief pursuant to 11 U.S.C. § 362.
2. On September 02, 2017, Debtor Ivan L. Washington executed a Motor Vehicle Retail Installment Sales Contract for an interest in one, 2015 NISSAN Altima Sedan 4D S I4, VIN 1N4AL3APXFC470641 ("Contract"). A true and correct copy of the Contract is attached hereto as Exhibit "A".
3. Capital One Auto Finance, a division of Capital One, N.A. has a properly perfected interest in the Collateral, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle. A true and correct copy of the Certificate of Title is attached hereto as Exhibit "B".
4. On September 12, 2018, the Debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code.
5. As of August 22, 2019, the total debt owed to Capital One Auto Finance, a division of Capital One, N.A. was \$15,858.31. Movant alleges the value of said motor vehicle is approximately \$11,075.00 pursuant to a N.A.D.A. Valuation attached hereto as Exhibit "C".
6. Debtor is in default in the post-petition amount of \$1,631.20. Debtor is in default in the pre-petition amount of \$182.12. The last payment was received on August 19, 2019. A copy of the payment history is attached as Exhibit "D".

7. This motor vehicle is not necessary for the Debtor's effective reorganization.
8. Capital One Auto Finance, a division of Capital One, N.A. believes there is little to no equity in the property and that it is of zero value and benefit to the estate.
9. Capital One Auto Finance, a division of Capital One, N.A.'s collateral is a rapidly depreciating asset.
10. Movant's collateral is rapidly depreciating, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 400l(a)(3).

WHEREFORE, Capital One Auto Finance, a division of Capital One, N.A. prays this Honorable Court for the entry of an order modifying the automatic stay pursuant to 11 U.S.C. § 362 so as to allow Capital One Auto Finance, a division of Capital One, N.A. to take possession of one 2015 NISSAN Altima Sedan 4D S I4, VIN 1N4AL3APXFC470641, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws and to find that Federal Rule 400l(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and thus Capital One Auto Finance, a division of Capital One, N.A. may immediately enforce and implement the Order Modifying the Automatic Stay and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Jennifer Rinn

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